

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

June 28, 2023

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

v.

**JOSE MARIO BANDA &
GABRIEL ELIAS MENDEZ
Defendants.**

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CRIMINAL NO. 4:23-cr-00276

INDICTMENT

THE GRAND JURY CHARGES THAT:

Count One

False Statement During Acquisition of a Firearm

On or about March 27, 2023, in the Houston Division of the Southern District of Texas,

**JOSE MARIO BANDA &
GABRIEL ELIAS MENDEZ**

Defendants herein, aiding and abetting those known and unknown to the Grand Jury, in connection with the acquisition of a firearm, that is, ten Century Arms International model BFT47, 7.62 caliber rifles, from NE Guns, an FFL, knowingly made a false and fictitious written statement on a Form 4473 that was intended and likely to deceive NE Guns as to a fact material to the lawfulness of such sale of the said firearm to Gabriel Elias Mendez, in that Gabriel Elias Mendez represented that he was the actual buyer of the firearm when, as the Defendants well knew, he was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6) and 2.

Count Two

False Statement During Acquisition of a Firearm

On or about April 3, 2023, in the Houston Division of the Southern District of Texas,

**JOSE MARIO BANDA &
GABRIEL ELIAS MENDEZ**

Defendants herein, aiding and abetting those known and unknown to the Grand Jury, in connection with the acquisition of a firearm, that is, four Zasatava Arms model Z-Pap M70, 7.62 caliber rifles from NE Guns, an FFL, knowingly made a false and fictitious written statement on a Form 4473 that was intended and likely to deceive NE Guns as to a fact material to the lawfulness of such sale of the said firearm to Gabriel Elias Mendez, in that Gabriel Elias Mendez represented that he was the actual buyer of the firearm when, as the Defendants well knew, he was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6) and 2.


NOTICE OF CRIMINAL FORFEITURE

Pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), the United States of America hereby gives notice that upon conviction of False Statement on a 4473 Form, all firearms and ammunition involved in or used in a violation of Title 18, United States Code, Sections 924(a)(1)(a) are subject to forfeiture.

A TRUE BILL:

Original Signature on File
FOREPERSON OF THE GRAND JURY

ALAMDAR HAMDANI
UNITED STATES ATTORNEY

BY:  _____

Lisa M. Collins
Assistant United States Attorney